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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/535,547	03/27/2000	Gil Thieberger	3729		
7.	590 02/11/2003				
THIEBERGER GIL			EXAMINER		
HANA SENESH 22 KIRYAT TIVON, 36036			SUGARMAN, SCOTT J		
ISRAEL			ART UNIT	PAPER NUMBER	
			2873	•	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	-				KV
### Examiner ### Scott J. Sugarman ### Scott		Application N	o.	Applicant(s)	
Scott J. Sugarman **- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. The MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is leve than thiny (30) days, and so possible than the districtory minimum of thiny (30) days will be considered thinks. If the period for reply specified above is leve than thiny (30) days, and shown of thiny (30) days will be considered thinks. If the period for reply specified above is leve than thiny (30) days, and shown of thiny (30) days will be considered thinks. If the period for reply specified above is leve than thiny (30) days, and shown of thiny (30) days will be considered thinks. If the period for reply specified above is leve than thiny (30) days, and shown of thiny (30) days will be considered thinks. If the period for reply specified above is leve than thiny (30) days, and shown of the period of t		09/535,547		THIEBERGER, GIL	
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-36 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-926-28 and 30-36 is/are allowed. 6) Claim(s) 20-25 and 29 is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * o) □ None of: 1.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 □ Altachment(s) 11 □ Notice of References Cited (PTO-892) 30 □ Notice of Informal Patent Application (PTO-152)	THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statu - Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, he sply within the statutory in divill apply and will explore cause the application.	wever, may a reply be tin minimum of thirty (30) day re SIX (6) MONTHS from n to become ABANDONE	nely filed s will be considered timely the mailing date of this co D (35 U.S.C. § 133).	/. ommunication.
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:		4) 5) 	Notice of Informal		

Application/Control Number: 09/535,547

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DETAILED ACTION

Allowable Subject Matter

Claims 1-19, 26-28 and 30-36 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented, for example, in the independent claim 1, which include a method of making a prescription optical device having the steps of calculating the surface heights of the arched prescription surface zone in accordance with the predetermined prescription and transforming the surface heights of the arched surface to surface heights of a flat surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 20-25 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 20, it is recited that the lens "... can be curved..." which does not positively recite the limitation such that it *is curved*. If it is not curved, then the other limitations would not apply. (Claims 21-25 depend on claim 20). Claim 29 is confusing, since it first recites "the ophthalmic lens of claim 26..." and then further recites, "... that is made according to smooth prescription ophthalmic lens specifications and not according to claim 26." If any feature is not according to the base claim, then it should be rewritten with the intended features. (Note: claim 29, line 1, "dose" should read –does-).

Response to Arguments

Applicant's arguments with respect to claims 20-25 and 29 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott J. Sugarman whose telephone number is (703)308-4821.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9318 for regular communications and (703)872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Primary Examiner Art Unit 2873

sjs

February 7, 2003